UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

AMY VIGGIANO, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED

Civ. Action No. 17-0243-BRM-TJB

Plaintiff,

ORDER

KOHL'S DEPARTMENT STORES, INC.

v.

Defendant.

THIS MATTER is opened to the Court by (1) Defendant Kohl's Department Stores, Inc.'s ("Defendant") Motion to Dismiss Plaintiff Amy Viggiano's ("Plaintiff") claims against it pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 8); and (2) Plaintiff's Motion for Leave to File a Sur Reply (ECF No. 18). Plaintiff opposes Defendant's Motion to Dismiss. (ECF No. 11.) Defendant does not object to Plaintiff's proposed sur reply. (ECF No. 19.) The Court having reviewed the parties' submissions in connection with these Motions, pursuant to Federal Rule of Civil Procedure 78(b), for the reasons set forth in the accompanying Opinion, and for good cause shown,

IT IS on this 27th day of November 2017,

ORDERED that Plaintiff's Motion for Leave to File a Sur Reply (ECF No. 18) is **GRANTED**; and it is further

ORDERED that Defendant's Motion to Dismiss (ECF No. 8) is **GRANTED**; and it is further

ORDERED that the Complaint (ECF No. 1) is **DISMISSED WITH PREJUDICE**; and it is finally

ORDERED that the Clerk is directed to **CLOSE** the case.

/s/ Brian R. Martinotti
HON. BRIAN R. MARTINOTTI
UNITED STATE DISTRICT JUDGE